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ON PETITION

In re Application of
William G. Tatton et al.
Application No. 09/249,350
Filed: February 11, 1999
Attorney Docket No. WTZ-004

This is a decision on the petition under 37 CFR 1.137(b), filed September 16, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner in reply to the non-final Office action mailed June 17, 2002, which set a shortened statutory period for reply of three months. Extensions of time under the provisions of 37 CFR 1.136 were obtained on December 24, 2002, with a certificate of mailing date of December 17, 2002. Accordingly, the application became abandoned on December 18, 2002.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$465 extension of time submitted with the petition on September 16, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The above-identified application is being forwarded to Technology Center AU 1617 for further processing.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond
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for Patent Examination Policy